

Application No. 10/062,367
Filing Date: 01/31/2002

AUS920010768US1.

REMARKS

This is a reply to a first Office action, dated August 12, 2004. Independent claims 1, 12, 18 and 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Application No. US2003/0027560 ("Jammal"). Dependent claims 2-8, 13-15, 17, 19-21 and 25-27 are rejected on the same basis. Dependent claim 9 also stands rejected under 35 U.S.C. 103(a) as being unpatentable over Jammal in view of U.S. Patent No. 6,321,084 ("Horror"). Dependent claims 10-11, 16, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jammal in view of U.S. Patent Application No. US2002/0111165 ("Jensen").

The Office action relies upon teachings from Jammal for the rejection of claim 1. Jammal concerns message forwarding, such as to a passenger on board an airplane, as in the present application. See, e.g., Jammal, Abstract. Jammal teaches that a caller creates a message for a passenger with a message service, which, in turn, accesses flight information at a central messaging hub. The message service or the central messaging hub then sends notification for the passenger to the on-board telephone system for the flight, the passenger acknowledges the notification via the on-board telephone system, and then the message is sent. Jammal, paragraphs 12-16.

The present application teaches that the passenger establishes an identity with the on-board telephone service provider ("OTSP") by an off-board communication means. For example, the passenger may set up an account before boarding or even booking a flight. Present application, page 5, line 10 through page 6, line 2. Or the passenger may do so once on board, but before flying and by the passenger's own cell phone. Present application, page 4, line 22 through page 5, line 9. Or the passenger may simply forward his or her off-board telephone to the OTSP before the flight, thereby indicating the passenger's identity and indicating to the OTSP the passenger's intention to accept calls on board via the on-board telephones and the OTSP, i.e., calls that would otherwise go to the passenger's off-board telephone. Present application, page 6, lines 17-22.

This teaching by the present application addresses an initial acceptance problem with the prior art. See, e.g., present application, page 1, lines 11-20 ("In the current art, a passenger can receive telephone calls at his or her airplane seat . . . [But] if a number of passengers sitting close

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together wish to register or activate to receive calls on-board, they must take turns *accessing a shared telephone.*") (emphasis added).

The present invention also addresses an initial location problem. That is, the present application teaches an improved way for dealing with the problem of how the OTSP can locate the on-board telephone nearest the passenger without resorting to a notification broadcast throughout all the telephones on-board the aircraft and without requiring registration on-board the aircraft by passengers using the on-board telephones. Specifically, the present application teaches that flight information is received from the aircraft operator at the beginning of a flight by a receiver of the OTSP, the receiver is located on-board the aircraft and the flight information includes identification of the flight and information about locations of seats and telephones on the aircraft. Present application, page 7, lines 1-5; page 6, lines 12-13 (stating that "layout" refers to seat locations and association with telephones).

In order to more particularly distinguish the above described initial acceptance feature of the invention, Applicant herein amends claim 1 to state that establishing an identity for the passenger includes receiving, by an on-board telephone service provider, communication *from the passenger before the flight* by an off-board communications means, and stating that *the communication indicates acceptance by the passenger for receipt from the OTSP of calls on-board.*" Claims 12, 18 and 24 are herein amended in similar fashion as claim 1. No new matter is added for these amendments, since the original application includes support, as described herein above.

Likewise, Applicant herein amends claims 6 to even more particularly distinguish the above described initial acceptance feature of the invention, so that amended claim 6 states "the communication received from the passenger for a particular one of such flights is limited solely to an indication that the passenger's off-board telephone line is forwarding to the on-board telephone service provider." Claims 13 and 19 are herein amended in similar fashion as claim 6. Also claim 28, depending on claim 24, is submitted herein setting out this feature for a computer program product form of the invention. No new matter is added for these amendments, since the original application includes support, as described herein above.

Also, Applicant herein submits claim 29, depending on claim 24, in order to more particularly distinguish the above described initial location feature of the invention. Claim 29

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states that flight information is received from an operator of the aircraft at the beginning of a flight by a receiver of the OTSP. The receiver is located on-board the aircraft. The flight information includes identification of the flight and information about locations of seats and telephones on the aircraft. This feature is also added to claim 12. Claims 30 and 31 are also herein submitted to add this feature in dependence upon claims 18 and 24, respectively. No new matter is added for these new claims, since the original application includes support as described herein above.

The cited references do not teach or suggest the features of the amended claims. Specifically, the teachings of the cited references do not address the initial acceptance problem discussed herein above, an aspect of which is now particularly set out in amended claims 1, 12, 18 and 24, as also discussed herein above. The prior art teaches that registering to receive calls or activating a telephone for receiving a call is by a shared, on-board telephone, which is somewhat time consuming and limiting. See e.g., Jammal, paragraphs 12-16 (teaching that the passenger establishes a relation with the message service or the central messaging hub by acknowledging a notification via the on-board telephone system).

Applicant also respectfully contends that Jammal paragraph 15 does *not* teach that the OTSP receives an indication that the passenger's off-board telephone line is forwarding to the OTSP, as stated in originally submitted claims 6, 13 and 19 of the present application. Moreover, Applicant has herein amended claims 6, 13 and 19 and submitted new claim 28 to more particularly point out how this claim matter relates to the initial acceptance issue, an issue which is not addressed in this manner in the cited art.

The teachings of the references also do not address initial location issues in the particular manner now set out in amended claims 12, 29, 30 and 31. That is they do not teach or suggest how to know the location of a specific telephone at or near the passenger's assigned seat without broadcasting a message to all passengers or requiring registration on-board the aircraft by passengers using the on-board telephones. While Jammal suggests that a central messaging service may assist in directing calls to passengers, Jammal does not actually teach how the central messaging service goes about getting needed information, and even seems to suggest that this is not within the scope of his teachings. See Jammal, paragraph 15 ("... the notification ... is then scrolled across each LCD display on all the telephones located in the airplane. Alternatively, if the

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receiving passenger's exact location is known on the airplane, the notification 4 *could* be directed . . .) (emphasis added). And while Horrer teaches that an on-board receiver may be programmed with locations of on-board phones for individual passengers, Horrer teaches that this is done by registration on-board the aircraft by passengers using the on-board telephones. Horrer, col. 3, lines 14-21. As discussed herein above, this is a disadvantageous prior art practice that the present application explicitly seeks to overcome. Horrer purports to teach another way to program an on-board receiver with locations of on-board phones for individual passengers, but merely teaches that each passenger's normal, off-board telephone number and an identification of an on-board telephone at the passenger's assigned seat is somehow "already collected" and that the rerouting of calls is somehow "triggered . . . immediately on entering the facility." Horrer, col. 3, lines 30-40. In addition to overcoming gaps in the teaching of Horrer, the present invention does not necessarily involve storing a passenger's off-board telephone number in the on-board receiver as does the teaching of Horrer.

In addition to the above described amendments, Applicant amends claim 24 to correct a typographical error, in which the preamble of the claim referred to the "method" instead of the "computer program product," and in order to ensure there is no doubt the claim falls within statutory subject matter requirements of 35 U.S.C. 101. Claim 24 as originally submitted at least implied that the claimed computer program product resides on a computer usable medium having computer readable program code. This is stated in the specification. Present application, page 8, lines 21-23 and page 9, lines 1-6. Nevertheless, an amendment is herein submitted to claim 24, as set out above, to explicitly state that such claimed computer program product resides on a computer usable medium having computer readable program code. No new matter is added in this amendment, since the specification as originally submitted provides support, as indicated above.

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For all of the above reasons, Applicant contends claim 1, as amended, is patentably distinct with regard to the cited prior art. And claims 2-11 are also allowable at least because they depend on claim 1. MPEP 2143.03 ("If an independent claim is non obvious under 35 U.S.C. 103, then any claim depending therefrom is non obvious," citing *In re Fite*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Also, claims 12, 18 and 24 are rejected on the same grounds as claim 1, and these claims are herein amended in similar fashion as claim 1. Therefore, Applicant contends claims 12, 18 and 24, as amended, are patentably distinct with regard to the cited prior art. And claims 13-17, 19-23 and 25-27 are also allowable at least because they depend on claim 12, 18 and 24, respectively. Furthermore, amended claims 6, 13, 19 and new claims 28-31 are patentably distinct for the additional reasons set out above.

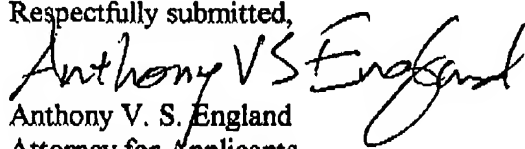
PRIOR ART OF RECORD

Applicant has reviewed the prior art of record cited by but not relied upon by Examiner, and asserts that the invention is patentably distinct.

REQUESTED ACTION

1. Applicant submitted references in an Information Disclosure Statement accompanying the originally filed application and hereby requests that examination of the references be acknowledged.
2. Applicant contends that the invention as claimed in accordance with amendments submitted herein is patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,



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